

REMARKS

In the Office Action mailed July 18, 2007 (hereinafter, "Office Action"), claims 1-7, 12-19 and 22-24 stand rejected under 35 U.S.C. § 102. Claims 8-11, 20-21 and 25-28 stand rejected under 35 U.S.C. § 103. Claims 25, 27 and 28 have been amended.

Applicants respectfully respond to the Office Action.

I. Claims 1-7, 12-19 and 22-24 Rejected Under 35 U.S.C. § 102

Claims 1-7, 12-19 and 22-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0160918 to Narasimha (hereinafter, "Narasimha"). Applicants respectfully traverse.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not disclose all of the subject matter in these claims.

Claim 1 recites "a controller operative to obtain a network operator identifier from the first signaling message, search a preferred roaming list for an entry with the network operator identifier." Narasimha does not disclose this subject matter.

Instead Narasimha states:

Networks broadcast system information including, for example, SIDs and NIDs of available systems. This information is available to a mobile station 100 that is configured to receive the broadcast control signal from one or more base stations . . . After being powered on, the mobile terminal 100 does a full initial scan of the broadcast signals . . . to locate an available channel on a system and acquire the available channel . . . Once the mobile terminal 100 locates an available channel, the mobile terminal

acquires the available channel and determines the SID and/or NID of the system in which the available channel is located.

Narasimha, page 4, paragraph [0031].

The Office Action points to the above-cited passage of Narasimha to support the assertion that “the SID and/or NID” discloses “a network operator identifier.” (See Office Action, page 3.) Applicants respectfully disagree with this assertion. Regarding “a network operator identifier”, claim 1 further recites “the network operator identifier distinctly identifies a network operator of the CDMA network.” Narasimha does not disclose that the SID and/or NID “distinctly identif[y] a network operator of the CDMA network.”

The system identification number (SID) is a known term in the art. For example, “A . . . SID is used to identify a cellular network in a certain area. It is a Global number to identify base stations for AMPS, TDMS or CDMA networks.” (System Identification Number, http://en.wikipedia.org/w/index.php?title=System_Identification_Number&oldid=146414667 (last visited Jan. 16, 2008).) Accordingly, an SID is used to identify a cellular network by identifying base stations. The network identification number (NID) is also a known term in the art. For example, the NID is used to identify “each smaller network within a given system [that is identified by the SID].” (Applicants’ specification, page 1, paragraph [1004].) Narasimha does not disclose that the SID and/or the NID also “distinctly identifies a network operator of the CDMA network.” Rather, Narasimha states:

[T]he system table contains one or more system records corresponding to, for example, systems having system identification numbers (SIDs) 5205, 218, 5142 and so on. Each system record includes a SID and a network identification number (NID) for the corresponding system.

Narasimha, page 3, paragraph [0023].

The above-cited passage of Narasimha simply states that “system records” correspond to “systems having system identification numbers (SIDs) . . . and a network identification number (NID).” There is no disclosure in the above-cited passages of Narasimha that the SID and/or the NID identify anything different from the known uses of the SID and/or NID. In other words, Narasimha does not disclose that the SID and/or NID also serve as “a network operator identifier . . . [that] distinctly identif[y] a network operator of the CDMA network.”

In view of the foregoing, Applicants submit that claim 1 is patentably distinct from Narasimha. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn because Narasimha does not disclose all of the subject matter of claim 1.

Claims 2-4 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-4 be withdrawn.

Claims 5, 17 and 19 include subject matter similar to the subject matter of claim 1. As such, Applicants submit that claims 5, 17 and 19 are patentably distinct from Narasimha for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claims 5, 17 and 19 be withdrawn.

Claims 6-7 and 12-16 depend either directly or indirectly from claim 5. Claim 18 depends directly from claim 17. Accordingly, Applicants respectfully request that the rejection of claims 6-7, 12-16 and 18 be withdrawn.

Claim 22 recites “wherein at least one record in the set of records has a system identification (SID) value that is in a set of SID values used to indicate network operator identifiers.” Narasimha does not disclose this subject matter.

Instead Narasimha states:

Networks broadcast system information including, for example, SIDs and NIDs of available systems. This information is available to a mobile station 100 that is configured to receive the broadcast control signal from one or more base stations . . . After being powered on, the mobile terminal 100 does a full initial scan of the broadcast signals . . . to locate an available channel on a system and acquire the available channel . . . Once the mobile terminal 100 locates an available channel, the mobile terminal acquires the available channel and determines the SID and/or NID of the system in which the available channel is located.

Narasimha, page 4, paragraph [0031].

The Office Action points to the above-cited passage of Narasimha to support the assertion that “the SID and/or NID” discloses “a network operator identifier.” (See Office Action, page 5.) Applicants respectfully disagree with this assertion. Regarding “a network operator identifier”, claim 22 further recites “a network operator identifier that distinctly identifies a network operator of the CDMA network.” Narasimha does not disclose that the SID and/or NID “distinctly identif[y] a network operator of the CDMA network.”

The system identification number (SID) is a known term in the art. For example, “A . . . SID is used to identify a cellular network in a certain area. It is a Global number to identify base stations for AMPS, TDMS or CDMA networks.” (System Identification Number, http://en.wikipedia.org/w/index.php?title=System_Identification_Number&oldid=146414667 (last visited Jan. 16, 2008).) Accordingly, a SID is used to identify a cellular network by identifying base stations. The network identification number (NID) is also a known term in the art. For example, the NID is used to identify “each smaller network within a given system [that is identified by the SID].” (Applicants’ specification, page 1, paragraph [1004].) Narasimha does not disclose that the SID and/or the NID also “distinctly identifies a network operator of the CDMA network.” Rather, Narasimha states:

[T]he system table contains one or more system records corresponding to, for example, systems having system identification numbers (SIDs) 5205, 218, 5142 and so on. Each system record includes a SID and a network identification number (NID) for the corresponding system.

Narasimha, page 3, paragraph [0023].

The above-cited passage of Narasimha simply states that “system records” correspond to “systems having system identification numbers (SIDs) . . . and a network identification number (NID).” There is no disclosure in the above-cited passages of Narasimha that the SID and/or the NID identify anything different from the known uses of the SID and/or NID. In other words, Narasimha does not disclose that the SID and/or NID also serve as “a network operator identifier that distinctly identif[y] a network operator of the CDMA network.”

In view of the foregoing, Applicants submit that claim 22 is patentably distinct from Narasimha. Accordingly, Applicants respectfully request that the rejection of claim 22 be withdrawn because Narasimha does not disclose all of the subject matter of claim 22.

Claim 23 depends directly from claim 22. Accordingly, Applicants respectfully request that the rejection of claim 23 be withdrawn.

Claim 24 includes subject matter similar to the subject matter of claim 22. As such, Applicants submit that claim 24 is patentably distinct from Narasimha for at least the same reasons as those presented above in connection with claim 22. Accordingly, Applicants respectfully request that the rejection of claim 24 be withdrawn.

II. Claims 8 and 9 Rejected Under 35 U.S.C. § 103

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Narasimha in view of U.S. Patent No. 6,556,820 to Le et al. (hereinafter, “Le”). Applicants respectfully traverse.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a prima facie case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

Claims 8 and 9 depend either directly or indirectly from claim 5. Accordingly, Applicants respectfully request that the rejection of claims 8 and 9 be withdrawn.

III. Claims 10, 11, 20, 21 and 25-28 Rejected Under 35 U.S.C. § 103

Claims 10, 11, 20, 21 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Narasimha in view of U.S. Patent Application Publication No. 2003/0016639 to Kransmo et al. (hereinafter, “Kransmo”). Applicants respectfully traverse. The standard to establish a prima facie case of obviousness is provided above. (See M.P.E.P. § 2142.)

Claims 10 and 11 depend either directly or indirectly from claim 5. Accordingly, Applicants respectfully request that the rejection of claims 10 and 11 be withdrawn.

Claim 20 recites “encoding the MCC and NOC values into a system identification (SID) value and a network identification (NID) value.” Narasimha, alone or in combination with Kransmo, does not disclose this subject matter.

The Office Action admits that Narasimha “fails to teach . . . encoding the MCC and NOC values into a system.” (Office Action page 11.) The addition of Kransmo does not overcome the deficiencies of Narasimha.

Instead Kransmo states:

If the MS 145 is in DO mode (as indicated by feature code 118), conversion logic 112 within the MSC 110 converts the SMS message 190 into an e-mail message 195 by stripping the SMS headers off of the SMS message 190, encapsulating the text into an IP packet and routing the IP packet to the MS 145 using the IP address of the MS 145. Typically, the IP address has the form of the Simple Mail Transfer Protocol (SMTP) or Internet mail (email) address of the MS 145. For example, the e-mail address may be the International Mobility Subscriber Identity (IMSI) of the MS 145 at the Internet Service Provider (ISP) of the MS 145 (i.e., IMSI@ISP.com). It should be understood that the IMSI is the unique subscriber number of the MS 145, and is not the dialable number associated with the MS 145. The IMSI is used for signaling purposes within the CDMA2000 network 100 and consists of a Mobile Country Code (MCC), Mobile Network Code (MNC) and Mobile Subscriber Identification Number (MSIN). The IMSI has a maximum length of 15 digits.

Kransmo, paragraph [0031].

“[E]ncapsulating the text into an IP packet” does not teach or suggest “encoding the MCC and NOC values into a system identification (SID) value and a network identification (NID) value.” Kransmo teaches “routing the IP packet to the MS . . . using the IP address of the MS.” (*Id.*) The IP address “has the form of the . . . Internet mail (email) of the MS.” (*Id.*) The “e-mail address may be the . . . IMSI . . . which consists of a . . . MCC [and a] . . . MNC.” As such, Kransmo does not teach or suggest that the IMSI (which consists of the MCC and MNC) is “encod[ed] . . . into a system identification (SID) value and a network identification (NID) value.” In fact, Kransmo merely states that “the IMSI is the unique subscriber number of the MS . . . [and] is used for signaling purposes within the CDMA2000 network.” (*Id.*) There is no teaching or suggestion in the above-cited passage of Kransmo of “encoding the MCC and NOC values into a system identification (SID) value and a network identification (NID) value.”

In view of the foregoing, Applicants respectfully submit that claim 20 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 20 be withdrawn because Narasimha, alone or in combination with Kransmo, does not teach or suggest all of the subject matter of claim 20.

Claim 21 depends directly from claim 20. Accordingly, Applicants respectfully request that the rejection of claim 21 be withdrawn.

Claims 25, 27 and 28 has been amended to include subject matter similar to the subject matter of claim 20. As such, Applicants submit that claims 25, 27 and 28 are patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 20. Accordingly, Applicants respectfully request that the rejection of claims 25, 27 and 28 be withdrawn because Narasimha, alone or in combination with Kransmo, does not disclose all of the subject matter of claims 25, 27 and 28.

Claim 26 depends directly from claim 25. Accordingly, Applicants respectfully request that the rejection of claim 26 be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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